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Backgrid USA, Inc.*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**BACKGRID USA, INC., a California corporation,**

Case No.: 2:23-cv-3124

Plaintiff.

V.

TALES OF VINTAGE, INC., a New York Corporation; and DOES 1-10, inclusive.

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT  
(17 U.S.C. § 501)**

## **DEMAND FOR JURY TRIAL**

### Defendants.

1 Plaintiff, Backgrid USA, Inc., complains against Defendant Tales of Vintage  
2 Inc., doing business as JoosTricot, and Does 1-10 (collectively, “Defendants”) as  
3 follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendants for acts of copyright  
6 infringement under the Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has  
7 subject matter jurisdiction under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28  
8 U.S.C. § 1338(a) and (b).

9 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and  
10 28 U.S.C. § 1400(a) in that the claim arises in this judicial district, and, on  
11 information and belief, the Defendants and their agents reside and may be found in  
12 this judicial district, and the injury suffered by Plaintiff took place in this judicial  
13 district. Defendants are subject to the general and specific personal jurisdiction of  
14 this Court because of their contacts with the State of California. Specifically,  
15 Defendants operate out of Los Angeles, California. Moreover, its founder, principal,  
16 and designer, Natalie Joos, resides in Los Angeles, California.

17 **PARTIES**

18 3. Plaintiff Backgrid, USA Inc. (“Backgrid”) is a California corporation  
19 existing under the laws of California, with its principal place of business located in  
20 Redondo Beach, California.

21 4. On information and belief, Defendant Tales of Vintage Inc., doing  
22 business as JoosTricot (“JoosTricot”), is a corporation existing under the laws of  
23 New York with its principal place of business located in Los Angeles, California.

24 5. The true names or capacities, whether individual, corporate, or  
25 otherwise, of the Defendants named herein as Does 1 through 10, inclusive, are  
26 unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.  
27 Plaintiff will ask leave of Court to amend this Complaint and insert the true names  
28 and capacities of said Defendants when the same have been ascertained.

## **FACTS COMMON TO ALL COUNTS**

## *Backgrid and the Photographs that Frame This Dispute*

3       6. Backgrid owns and operates one of Hollywood's largest celebrity-  
4 photograph agencies that has earned a reputation of regularly breaking scoops on  
5 sought after celebrity news. It owns the intellectual property rights, including the  
6 copyrights, to photographs that have been licensed to numerous top-tier outlets, such  
7 as TMZ, Entertainment Tonight, New York Post, People Magazine, Huffington Post,  
8 the Daily Mail, as well as many television stations, newspapers and other prominent  
9 media outlets throughout the world. Each license has been granted for valuable  
10 consideration, up to hundreds of thousands of dollars.

11        7. Among many other in-demand works, Backgrid owns coveted  
12 photographs of Abigail Spencer and Josh Radnor (the “Celebrity Photographs”)  
13 among many others. Each of the Celebrity Photographs that are at issue in this action  
14 are timely registered. Backgrid filed for copyright registration of the Celebrity  
15 Photographs within 90 days of their first publication with the United States  
16 Copyright Office. The copyright registrations are attached hereto as Exhibit A.

## *Defendant and Its Willfully Infringing Activity*

18        8.      Defendant JoosTricot is a luxury knit clothing company. It touts itself  
19 as the “home of the perfect fitted knits.” A cotton blend cardigan sells for as much  
20 as \$450 and a cotton blend pair of pants sells for as much as \$525. JoosTricot sells  
21 its products through its website joostricot.com and promotes its products and its  
22 website through its Instagram Account.

23        9.      Defendant reproduced, distributed, displayed, and created unauthorized  
24 derivative works of the Celebrity Photographs on its Instagram Account without  
25 consent or license, as shown in Exhibit B, which is incorporated herein by reference.

26        10. Defendant violated federal law by willfully infringing Backgrid's  
27 copyrights to at least two Celebrity Photographs on, at least, the Instagram Account.

28 || 11. Defendant knew it did not have the right to post the Celebrity

1 Photographs. It published at least one of the Photographs with a “Just Jared” logo at  
2 the bottom of the photograph. Just Jared is a media outlet and legitimate licensee of  
3 the photo. Moreover, JoosTricot captioned the photo “Ugh we love a good paparazzi  
4 picture ... [],” acknowledging that the photos were professionally shot and not  
5 authored by JoosTricot.

6        12. Defendant induced, caused, or materially contributed to the  
7 reproduction, distribution, and public display of the Celebrity Photographs and  
8 derivatives thereof, all while knowing or having reason to know of the infringement  
9 on the Instagram Accounts was without permission, consent, or license.

10        13. On information and belief, Defendant always operates and controls the  
11 Instagram Account relevant to this dispute and financially benefits from the  
12 infringement of the Celebrity Photographs displayed thereto. On information and  
13 belief, Defendant has driven significant traffic to their Instagram Accounts, and  
14 therefore increased its revenues, in large part due to the presence of the sought after  
15 and searched-for Celebrity Photographs that frame this dispute. All this traffic  
16 translates into substantial ill-gotten commercial advantage and brand awareness as a  
17 direct consequence of their infringing actions.

18       14. Backgrid attempted to resolve this dispute prior to filing this above  
19 captioned action. JoosTricot did not respond to its correspondence.

## **FIRST CLAIM FOR RELIEF**

**(Copyright Infringement, 17 U.S.C. § 501)**

22        15. Backgrid incorporates by reference the allegations in paragraphs 1  
23 through 14 above.

24        16. Backgrid is the owner of all rights, title, and interest in the copyrights of  
25 the Celebrity Photographs that frame this dispute, which substantially consist of  
26 wholly original material, and which are copyrightable subject matter under the laws  
27 of the United States.

28 || 17. Backgrid filed for copyright registration of the Celebrity Photographs

within 90 days of their first publication with the United States Copyright Office.

18. Defendant has directly, vicariously, contributorily and/or by inducement willfully infringed Backgrid's copyrights by reproducing, displaying, distributing, and utilizing the Celebrity Photographs for purposes of trade in violation of 17 U.S.C. § 501 *et seq.*

19. All of the Defendant's acts are and were performed without permission, license, or consent of Backgrid.

20. Backgrid has identified at least nine instances of infringement by way of the unlawful reproduction and display of Backgrid's photographs.

21. As a result of the acts of Defendant alleged herein, Backgrid has suffered substantial economic damage.

22. Defendant has willfully infringed, and unless enjoined, will continue to infringe Backgrid's copyrights by knowingly reproducing, displaying, distributing, and utilizing its photographs by, among other things, virtue of Defendant's encouragement of the infringement and financial benefits they receive from Backgrid's copyrights.

23. The wrongful acts of Defendant have caused, and are causing, injury to Backgrid, which cannot be accurately computed, and unless this Court restrains Defendant from further commission of said acts, Backgrid will suffer irreparable injury, for all of which it is without an adequate remedy at law. Accordingly, Backgrid seeks a declaration that Defendant is infringing Backgrid's copyrights and an order under 17 U.S.C. § 502 enjoining Defendant from any further infringement.

24. The above-documented infringements alone would entitle Backgrid to a potential award of up to \$150,000 per work in statutory damages for each of the nine infringed photographs, in addition to its attorney's fees.

# **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. That the Defendants, and their officers, agents, servants, employees,

1 and representatives, and all persons in active concert or participation with them, be  
2 permanently enjoined from copying, reproducing, displaying, promoting,  
3 advertising, distributing, or selling, or any other form of dealing or transaction in,  
4 any and all Photographs of Backgrid;

5       2. That an accounting be made for all profits, income, receipts or other  
6 benefit derived by Defendants from the unlawful reproduction, copying, display,  
7 promotion, distribution, or sale of products and services, or other media, either now  
8 known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's  
9 copyrights pursuant to 17 U.S.C. § 504 (a)(1) & (b);

10       3. For actual damages and disgorgement of all profits derived by  
11 Defendants from their acts of copyright infringement, removal, and for all damages  
12 suffered by it by reasons of Defendant's acts, under 17 U.S.C. § 504 (a)(1) & (b);

13        5. For statutory damages for copyright infringement, including willful  
14 infringement, in accordance with 17 U.S.C. § 504(a)(2) & (c);

15           6. For reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. §  
16 505;

17        7. For costs and interest pursuant to 17 U.S.C. § 504 (a)(1) & (b), 17  
18 U.S.C. § 505; and

19        8. For any such other and further relief as the Court may deem just and  
20 appropriate.

21

ONE LLP

By: /s/ Joanna Ardalan  
Joanna Ardalan

*Attorney for Plaintiff,  
Backgrid USA, Inc.*

**DEMAND FOR JURY TRIAL**

Plaintiff Backgrid USA, Inc., hereby demands trial by jury of all issues so triable under the law.

Dated: April 25, 2023

ONE LLP

By: /s/ Joanna Ardalán  
Joanna Ardalán

*Attorney for Plaintiff,  
Backgrid USA, Inc.*